

APPLICANT(S): FUHR, Gunter et al.
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REMARKS

The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims **97-102** are pending.

Claims **97-102** have been rejected.

Claims **97** has been amended in this submission. It is respectfully submitted that no new matter has been added by these amendments.

CLAIM REJECTIONS

35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected claims 97-102 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 97 has been amended by replacing the element of “a mechanically stable manner” by the element suggested by the Examiner, namely “wherein the bottom element of the cell carrier and the solid surface are in physical contact.” Applicants respectfully assert that this amendment renders claims 97-102 proper under 35 U.S.C. § 112 and request that the rejections be withdrawn.

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35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 97-102 under 35 U.S.C. § 102(b), as being anticipated by Pelrine, et al. (US2002/0106314). The Examiner related to the response to the office action dated December 21, 2010 and asserted that there was no disclosure in the previous submitted claims that the scope of the instant invention excludes levitation as a result of exerting a magnetic force. The Examiner noted that the features upon which applicant relies (i.e. the bottom element being in contact with the surface of the solid/base) are not recited in the claims. In addition, the Examiner asserted that the physical contact between the bottom element of the cell carrier and the surface of the solid is critical to distinguish the instant invention from the teaching of Pelrine and that applicant is recommended to amend the claims to disclose this particular limitation.

In response, Applicant amended claim 97 to recite a method for manipulating biological cells, wherein “the bottom element of the cell carrier and the solid surface are in physical contact.”

In contrast, as was agreed by the Examiner, Pelrine et al. discloses a **levitating**-particle device in which magnetic microparticles and/or effectors are **levitated** adjacent a diamagnetic surface. The Pelrine reference does not disclose, teach or suggest the elements of claim 97. In particular, the Pelrine reference does not disclose a cell carrier, which comprises a bottom element, arranged such that it can be placed and shifted on a solid surface wherein a physical contact between the bottom element of the cell carrier and the solid surface is present, as recited in amended claim 97.

Accordingly, Applicants respectfully assert that amended independent claim 97 is allowable. Claims 98-102 depend from, directly or indirectly, claim 97, and therefore include all the limitations of those claims. Therefore, Applicants respectfully assert that claims 98-102 are likewise allowable. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections to amended independent claim 97 and to claims 98 -102 dependent thereon.

Applicants respectfully request reconsideration and withdrawal of the rejections of claims 97-102.

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Conclusion

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

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